

REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 1-30 remain in this application Claims 1, 3, 4, 16, 18, and 29 have been amended. Claim 1-30 remain rejected in the Office Action by the Examiner.

II. CLAIM REJECTIONS – 35 U.S.C. § 112

The Office Action rejects Claims 1 and 16 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art to use and/or make the invention.

Applicant respectfully disagrees. The Examiner states that he has reviewed the specification and could not find support for the limitation of “assigning a virtual IP address to a scheduler”. However, this statement is incorrect. From the Examiner’s statement, it appears that the Examiner searched through the OCR document for the term “virtual IP address”, but the text clearly defines that a virtual IP address is referred to as a “VIP”. There seems to be a discrepancy in the page numbering of the specification cited by the Examiner, nevertheless, page 7, lines 4-6 cite:

“The first item is supported by all local load balancers. All load balancers publish a Virtual IP (VIP) address to the world and then have many machines which can take traffic for that IP address.”

The term VIP is referred to throughout the specification and the limitation “assigning a virtual IP address to a scheduler” is supported by at least page 11, line 7 – page 18, line 20.

Therefore, the limitations cited in Claims 1 and 16 are fully supported by the specification and comply with 35 U.S.C. § 112, first paragraph. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §112, first paragraph.

### III. CLAIM REJECTIONS – 35 U.S.C. § 112

The Office Action rejects Claims 1, 3, 7, 16, 18, and 22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention.

Applicant has amended Claims 1 and 16 to provide proper antecedent basis for Claims 7 and 22. Claims 3 and 18 have been amended to provide proper antecedent basis.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 112, second paragraph.

### IV. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejects Claims 1, 2, 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Zisapel, (US Publication 2002/0103846), in view of Hassett, et al., (USPN 6,173,311) and Bruck et al., (USPN 6,801,949). The rejection is respectfully traversed.

Claims 1 and 16 have been amended to clarify the invention and appear as follows:

1. A process for routing packets through a load balancing array of servers across a network in a computer environment, comprising the steps of:

assigning a virtual IP address to a scheduler that is designated as active scheduler for a load balancing array;

wherein all incoming packets from requesting clients destined for the load balancing array are routed through said scheduler via the virtual IP address;

wherein said scheduler routes and load balances a request packet from a requesting client to a load balancing server;

wherein said load balancing server routes and load balances said request packet to a back end Web server;

wherein said back end Web server's response packet to said request packet is sent to said load balancing server; and

wherein said load balancing server sends said response packet directly to said client.

16. An apparatus for routing packets through a load balancing array of servers across a network in a computer environment, comprising:

assigning a virtual IP address to a scheduler that is designated as active scheduler for a load balancing array;

wherein all incoming packets from requesting clients destined for the load balancing array are routed through said scheduler via the virtual IP address;

wherein said scheduler routes and load balances a request packet from a requesting client to a load balancing server;

wherein said load balancing server routes and load balances said request packet to a back end Web server;

wherein said back end Web server's response packet to said request packet is sent to said load balancing server; and

wherein said load balancing server sends said response packet directly to said client.

In particular, Zisapel does not teach or disclose a system wherein all incoming packets from requesting clients destined for the load balancing array are routed through said scheduler via the virtual IP address as claimed in Claims 1 and 16. Zisapel discloses that any load balancer in his system may receive a request and the receiving load balancer may route the request to another load balancer (paragraphs 0042-0043). Hasset and Bruck make no mention of a system wherein all incoming packets from requesting clients destined for the load balancing array are routed through said scheduler via the virtual IP address as claimed in Claims 1 and 16. Therefore, neither Zisapel, Hasset, nor Bruck contemplate such a system.

Further, Bruck does not teach or disclose a system that assigns a virtual IP address to a scheduler that is designated as active scheduler for a load balancing array as claimed in Claims 1 and 16. The Office Action states:

“Bruck-Rainfinity discloses the concept of assigning a virtual IP address to scheduling object (e.g., col. 36, line 26-col. 37, line 19) ...”

However, Bruck does disclose what the Office Action states. Bruck teaches that a virtual IP address can be assigned to a “Virtual Server Group”. Bruck further discloses

that a load balancing operation may be specified for the servers within the server group (col. 36, line 36-col. 37, line 16). Bruck therefore does not teach or disclose assigning a virtual IP address to a scheduler that is designated as active scheduler for a load balancing array as claimed in Claims 1 and 16.

Therefore, Zisapel in view of Hassett and Bruck does not teach or disclose the invention as claimed.

Claims 1 and 16 are in allowable condition. Claims 2 and 17 are dependent upon independent Claims 1 and 16, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

V. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejects Claims 3, 4, 7, 8, 13, 18, 19, 22, 23, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Zisapel-Radware and Hassett-PointCast and Bruck-Rainfinity in view of “Official Notice”.

The rejection under 35 U.S.C. §103(a) is deemed moot in view of Applicant’s comments regarding Claims 1 and 16, above. Claims 3, 4, 7, 8, 13, and 18, 19, 22, 23, 28, are dependent upon independent Claims 1 and 16, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

VI. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejects Claims 5, 6, 14, 15, 20, 21, 29, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Zisapel-Radware and Hassett-PointCast and Bruck-Rainfinity in view of Masters (USPN 6,374,300).

The rejection under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments regarding Claims 1 and 16, above. Claims 5, 6, 14, 15, and 20, 21, 29, 30, are dependent upon independent Claims 1 and 16, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

VII. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejects Claims 9-12 and 24-27 under 35 U.S.C. § 103(a) as being unpatentable over Zisapel-Radware and Hasett-PointCast and Bruck-Rainfinity and "Official Notice" in view of Masters (USPN 6,374,300). The rejection is respectfully traversed.

The rejection under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments regarding Claims 1 and 16, above. Claims 9-12 and 24-27 are dependent upon independent Claims 1 and 16, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

VIII. MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

The Examiner is invited to telephone the undersigned at (408) 414-1080 ext. 214 to discuss any issue that may advance prosecution.


To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: January 27, 2006

  
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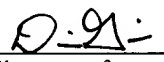
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